

**ETHICS COMMISSION
CITY AND COUNTY OF HONOLULU**



Advisory Opinion No. 293

This is an advisory opinion in response to your request for advice from the Ethics Commission in regard to whether you should recuse yourself from certain matters before your department.

The Commission understands the facts relative to your inquiry to be as follows:

You are department director, which has responsibility for various permit approvals. Prior to becoming a City officer, you were an attorney in private practice in Honolulu, who on occasion represented clients in seeking permit approvals of the type reviewed by your department.

A company ("XYZ"), the owner of a resort project, was one of your previous clients. Recently, that project was sold to an entirely new owner/developer, with whom you have never worked. Currently various issues are being raised and matters are pending with respect to the resort project in your department.

The ethical question presented is whether you should recuse yourself from all matters dealing with the resort project that come before your department.

The general rule in relation to your question is found in Revised Charter of the City and County of Honolulu 1973 (1994 Ed.), Section 11-102(c), which states in pertinent part:

No elected or appointed officer or employee shall... [e]ngage in any business transaction or activity or have a financial interest, direct or indirect, which is incompatible with the proper discharge of such person's official duties or which may tend to impair the independence of judgment in the performance of such person's official duties.

Based on the evidence presented, the Commission finds that it is not necessary that you recuse yourself from departmental matters dealing with the resort project, since you do not have even an indirect financial interest with the current owner/developer.

Dated: October 22, 1998

FAY M. UYEMA
Chair, Ethics Commission